

SENATE BILL 2196

By Kyle

AN ACT to amend Tennessee Code Annotated, Title 54,
Chapter 1, Part 1, relative to design-build
contracts.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 54, Chapter 1, Part 1, is amended by
adding the following language as a new, appropriately designated section:

§ 54-1-1 ____.

(a) Notwithstanding any other provision of law to the contrary, the department may award contracts using a design-build procedure. A design-build contract means an agreement that may include, but not be limited to the design, right-of-way acquisition, and/or utility relocation, along with the construction of a project by a single entity. The design-build contract may also provide for the maintenance, operation, and/or financing of the project. The agreement may be in the form of a design-build contract, a franchise agreement, or any other form of contract approved by the department.

(b) Selection criteria shall include the cost of the project and may include design-build firm qualifications, time of completion, innovation, design and construction quality, design innovation, or other technical or quality related criteria.

(c) The department is authorized to award a stipulated fee to the design-build firms that submit responsive proposals but are not awarded the design-build contract. The department shall not be required to award such stipulated fee, but if it elects to award such fee, the amount of the stipends and the terms under which stipends are to be paid shall be stated in the request for proposals.

(d) The department may establish agency policy and/or promulgate rules and regulations in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, in furtherance of the provisions of this part.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.